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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09/691,855	10/17/2000	Eberhard Moess	1333	5630

7590 10/02/2002

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EXAMINER

YAM, STEPHEN K

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/691,855

Applicant(s)

MOESS ET AL.

Examiner

Stephen Yam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3

- 4) ☐ Interview Summary (PTO-914) Date 1/10/01
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 10, line 25, "the device" lacks proper antecedent basis- for examination purposes, "the device" is considered to refer to "the device for taking in optical signals".

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

1. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being unpatentable by Yoshida et al. US Patent No. 5,912,774.

Regarding Claim 1, Yoshida et al. teach an optoelectronic receiver having an optic axis and comprising (see Fig. 5b) a device (1) for taking in optical signals having an optic axis (horizontal), an optical sensor (59) (See Fig. 4) for converting the optical signals into electronic signals when the optical signals fall on a sensitive surface of said optical sensor, a coupling element (to the right of (1)) (see Fig. 5B) for alignment of the optic axis of the device for taking in the optical signals on the sensitive surface of the optical sensor, a holder (2) for the device for taking in the optical signals, a retaining device (tabs holding the lens on the right) for the coupling element, and a joint adjusting means (4) for adjusting the holder for the device for taking in the optical signals and the retaining device for the coupling element.

Regarding Claim 2, Yoshida et al. teach the adjusting means comprising (see Fig. 5B) an optical bench (3) with an upper surface (11) wherein the upper surface of the optical bench is a means for aligning the coupling element and the device for taking in the optical signals.

Regarding Claim 3, Yoshida et al. teach (see Fig. 5B) the retaining device (tabs holding the lens on the right) provided with a flat guiding surface (base of the lens mount) that rests on the upper surface (11) of the optical bench.

Regarding Claim 4, Yoshida et al. teach (see Fig. 5B) the holder (2) surrounding the retaining device (tabs holding the lens on the right).

Regarding Claim 5, Yoshida et al. teach (see Fig. 5A) the holder (2) having a flat guiding

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Regarding Claims 6 and 7, Yoshida et al. teach the upper surface of the optical bench having a predetermined angular position relative to the optic axis (horizontal) of the optoelectronic receiver, where the angular position of the optic axis is perpendicular or at 90° relative to said upper surface.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. in view of Toyama US Patent No. 4,614,974.

Yoshida et al. teach an optoelectronic receiver comprising a device for taking in optical signals, an optical sensor, a coupling element, a holder for the device, a retaining device for the coupling element, and a joint adjusting means for adjusting the holder for the device and the retaining device. Yoshida et al. also teach an optical bench (platform under optical sensor (65)) with an upper surface. Yoshida et al. do not teach an adjustment procedure to align the optical signals on the sensitive surface of the optical sensor. Toyama teaches a camera comprising (see Fig. 1) a device (2) for taking in optical signals, a holder (3) for the device for taking in the optical signals, an optical sensor (10a), and an adjusting means (16) for adjusting the holder for the device for taking in the optical signals, and an adjustment procedure (see Col. 3, lines 25-53)

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position after the adjustment procedure. Regarding Claim 9, Toyama teaches means (11, 25) for generating an optical test signal (see Col. 3, lines 25-27) for self-adjustment of the optoelectronic receiver. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an optical-signal-alignment adjustment procedure and further comprise means for generating an optical test signal for self-adjustment as taught by Toyama in the optoelectronic receiver of Yoshida et al., to provide precise focusing for images received by the optical sensor.

*Allowable Subject Matter*

4. Claim 10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or make obvious the claimed invention, more specifically in combination with:

A method of making an aligned optoelectronic receiver by providing a module with an optical sensor and housing, coupling element and retaining device, and passage in an optical bench for the module, placing the module in the optical bench passage, attaching the module, placing the holder with the device for taking in optical signals, inputting a test optical signal through the device for taking in optical signals, displacing the holder until a signal indicating aligned configuration is produced, and permanently attaching the holder to the optical bench through welding or gluing.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shoda et al. US Patent No. 6,133,569, teach a camera with a device for taking in optical signals having an optic axis, an optical sensor, a coupling element, a holder, a retaining device, and a joint adjusting means for the holder and retaining device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (703)306-3441. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (703)308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7724 for regular communications and (703)308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

SY  
September 25, 2002

  
**DAVID PORTA**  
**SUPERVISORY PATENT EXAMINER**  
TECHNOLOGY CENTER 2800